



STATE OF CALIFORNIA

GAMBLING CONTROL COMMISSION

2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231

P.O. BOX 526013
Sacramento, CA 95852-6013

(916) 263-0700
(916) 263-0499 Fax

Arnold Schwarzenegger, Governor

DEAN SHELTON, CHAIRMAN

JOHN CRUZ

ALEXANDRA VUKSICH

NOTICE OF PROPOSED RULEMAKING

Title 4. Business Regulations

Division 18: California Gambling Control Commission

Chapter 7. Conditions of Operation for Gambling Establishments

Article 6. Program for Responsible Gambling

The California Gambling Control Commission ("Commission") proposes to adopt the regulation described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION: The Commission proposes to adopt Article 6 of Chapter 7 of Division 18 of Title 4 of the California Code of Regulations, concerning responsible gambling.

PUBLIC HEARING

At this time, the Commission has not scheduled a public hearing. Any interested person or his or her duly authorized representative may request a hearing pursuant to Government Code section 11346.8 no later than 15 days prior to the close of the comment period.

WRITTEN COMMENT PERIOD: April 7 – May 23, 2006

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period. To be considered for summary and response, all written comments must be received no later than 5:00 p.m., May 23, 2006.

Written comments for the Commission's consideration should be directed to:

Heather Hoganson, Staff Counsel
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100 Sacramento, CA 95833-4231
E-mail: hhoganson@cgcc.ca.gov FAX 916-263-0452.

AUTHORITY AND REFERENCE

Authority for the proposed regulation is provided by various provisions of the Gambling Control Act, which may be found in Business and Professions Code sections 19800 through 19980. In particular, Business and Professions Code sections 19811, 19823, 19840, 19841(o), and 19920, provide authority to enact this regulation.

The reference citations are as follows: the proposed regulations implement, interpret, or make specific Business and Professions Code sections 19801 and 19920, and Welfare and Institutions Code section 4369.4.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The legislature has declared that “gambling can become addictive” (Business and Professions Code, section 19801, subdivision (b)), and vested in the Commission jurisdiction and supervision over gambling establishments (cardrooms).

The proposed regulation would direct gambling establishments to post information about problem gambling and to train their employees about the nature and symptoms of problem gambling and assisting patrons in obtaining information about problem gambling programs. The regulation would also allow persons to “opt-out” of receiving direct-mail marketing brochures which may entice them into gambling establishments and would allow persons to block themselves in advance from the opportunity to cash checks or obtain credit from a gambling establishment. An individual could also exclude themselves from one particular cardroom or from all cardrooms in California. A penalty may be assessed for any cardroom that does not comply with the regulation.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: These regulations do not impose a mandate on local agencies or school districts.

Cost or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed upon local agencies: None

Cost or savings in federal funding to the state: None

Cost impact on representative private person or business: A licensee may be liable for penalties and/or costs if found to have violated the provisions of this article. There may be minor costs to licensees for training of employees.

Impact on Business: The Commission has made an initial determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: The Commission has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small business: The Commission has made an initial determination that, in the event that a cardroom is considered a small business, the effect these regulations will have on small business will be minor.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The Commission has made an assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Heather Hoganson, Counsel, California Gambling Control Commission,
2399 Gateway Oaks Drive, Suite 100 Sacramento, CA 95833-4231
Telephone: 916-263-0490, Fax: 916-263-0452, E-mail: hhoganson@cgcc.ca.gov.

Requests for a copy of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other technical information upon which the rulemaking is based should be directed to:

Pam Ramsay, California Gambling Control Commission,
2399 Gateway Oaks Drive, Suite 100 Sacramento, CA 95833-4231
Telephone: 916-263-8111, Fax: 916-263-0499.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting Pam Ramsay at the address or telephone number listed above or accessing the Commission's website at <http://www.cgcc.ca.gov>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Regulations Coordinator or viewed on the website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing, the Commission may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pam Ramsay at the address indicated above.

The Commission will accept written comments on the modified regulation for 15 days after the date on which it is made available.